

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**KING WONG, M.D. )**

**File No. 11-2013-230174**

**Physician's and Surgeon's )  
Certificate No. A 35471 )**

**Respondent )**

**DECISION AND ORDER**


The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 7, 2017.

IT IS SO ORDERED November 7, 2017.

**MEDICAL BOARD OF CALIFORNIA**

By: \_\_\_\_\_

  
Kristina D. Lawson, J.D., Chair  
Panel B

1 XAVIER BECERRA  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 CINDY M. LOPEZ  
Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 11-2013-230174

12 KING WONG, M.D.  
2392 North Euclid Avenue  
13 Upland, CA 91784

OAH No. 2016070975

14 Physician's and Surgeon's Certificate No. A  
35471

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15  
16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
22 of California (Board). She brought this action solely in her official capacity and is represented in  
23 this matter by Xavier Becerra, Attorney General of the State of California, by Cindy M. Lopez,  
24 Deputy Attorney General.

25 2. Respondent KING WONG, M.D. (Respondent) is represented in this proceeding by  
26 attorney Raymond J. McMahon, whose address is: 100 Spectrum Center Drive, Suite 520  
27 Irvine, CA 92618.  
28

3. On or about July 1, 1980, the Board issued Physician's and Surgeon's Certificate No. A 35471 to KING WONG, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 11-2013-230174, and will expire on February 28, 2018, unless renewed.

## JURISDICTION

4. Accusation No. 11-2013-230174 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 20, 2015. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 11-2013-230174 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 11-2013-230174. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 11-2013-230174, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

### A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED THAT Respondent King Wong, M.D., as the holder

1 of Physician's and Surgeon's Certificate No. A 35471, shall be and hereby is publicly  
2 reprimanded pursuant to Business and Professions Code section 2227, subdivision (a)(4) as  
3 follows:

4 "You committed two simple departures from the standard of care with regard to patient  
5 M.R."

6 **B. CLINICAL COMPETENCE ASSESSMENT PROGRAM.** Within 60 calendar  
7 days of the effective date of this Decision, Respondent shall enroll in a clinical competence  
8 assessment program approved in advance by the Board or its designee. Respondent shall  
9 successfully complete the program not later than six (6) months after Respondent's initial  
10 enrollment unless the Board or its designee agrees in writing to an extension of that time.

11 The program shall consist of a comprehensive assessment of Respondent's physical and  
12 mental health and the six general domains of clinical competence as defined by the Accreditation  
13 Council on Graduate Medical Education and American Board of Medical Specialties pertaining to  
14 Respondent's current or intended area of practice. The program shall take into account data  
15 obtained from the pre-assessment, self-report forms and interview, and the Decision(s),  
16 Accusation(s), and any other information that the Board or its designee deems relevant. The  
17 program shall require Respondent's on-site participation for a minimum of three (3) and no more  
18 than five (5) days as determined by the program for the assessment and clinical education  
19 evaluation. Respondent shall pay all expenses associated with the clinical competence  
20 assessment program.

21 At the end of the evaluation, the program will submit a report to the Board or its designee  
22 which unequivocally states whether the Respondent has demonstrated the ability to practice  
23 safely and independently. Based on Respondent's performance on the clinical competence  
24 assessment, the program will advise the Board or its designee of its recommendation(s) for the  
25 scope and length of any additional educational or clinical training, evaluation or treatment for any  
26 medical condition or psychological condition, or anything else affecting Respondent's practice of  
27 medicine. Respondent shall comply with the program's recommendations.

1 Determination as to whether Respondent successfully completed the clinical competence  
2 assessment program is solely within the program's jurisdiction.

3 Any violation of this condition or failure to complete the course shall be considered  
4 unprofessional conduct and grounds for further disciplinary action for violation of Business and  
5 Professions Code section 2234.

6  
7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
9 discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effect  
10 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement  
11 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
12 Decision and Order of the Medical Board of California.

13  
14 DATED: 5/19/17

  
15 KING WONG, M.D.  
Respondent

16 I have read and fully discussed with Respondent KING WONG, M.D. the terms and  
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
18 I approve its form and content.

19 DATED: 5/19/17

  
20 RAYMOND J. MCMAHON  
Attorney for Respondent

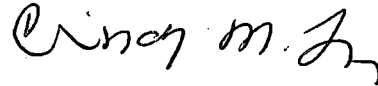
21  
22 ENDORSEMENT

23 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
24 submitted for consideration by the Medical Board of California.

1 Dated: 8.10.17

Respectfully submitted,

2 XAVIER BECERRA  
3 Attorney General of California  
4 E. A. JONES III  
5 Supervising Deputy Attorney General

6 

7 CINDY M. LÓPEZ  
8 Deputy Attorney General  
9 *Attorneys for Complainant*

10 LA2015601452

**Exhibit A**

**Accusation No. 11-2013-230174**



1 KAMALA D. HARRIS  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 CINDY M. LOPEZ  
Deputy Attorney General  
4 State Bar No. 119988  
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7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO August 29, 2015  
BY: J. K. Kline ANALYST

8 BEFORE THE  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 11-2013-230174

12 **King Wong, M.D.**  
2392 North Euclid Avenue  
13 Upland, CA 91784

**A C C U S A T I O N**

14 **Physician's and Surgeon's Certificate**  
15 **No. A 35471,**

Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about July 1, 1980, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number A 35471 to King Wong, M.D. (Respondent). The Physician's and Surgeon's  
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on February 29, 2016, unless renewed.

27 ///

## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

“(b) Gross negligence.

“(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

“(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

“(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

“(d) Incompetence.

“(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

“(f) Any action or conduct which would have warranted the denial of a certificate.

“(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

“(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.”

FIRST CAUSE FOR DISCIPLINE

**(Gross Negligence)**

6. Respondent is subject to disciplinary action under section 2234, subdivision (b), in that he was grossly negligent in his care and treatment of patient M.R. The circumstances are as follows:

A. Patient M.R., a woman, 24 years of age, first saw Respondent on June 24, 2009. She was transferred from another physician and was due with her first child in July 2009. Her patient chart listed her at 120 pounds, 4 feet 9 inches tall, but when she came to see Respondent she weighed 170 pounds.

B. M.R. was seen by Respondent twice in June, and every week in July until July 27, 2009. She was scheduled to be induced July 29, 2009. There was nothing in the records about her bony pelvic exam or pelvic adequacy for vaginal delivery. Respondent did not do an ultrasound.

C. M.R. was admitted to Pomona Valley Hospital on July 29, 2009. There was no risk assessment, no estimated fetal size, no ultrasound ordered, and a Bishop score of 4.<sup>1</sup>

D. She was started on Pitocin at 9:30 a.m. and had made no progress by 6:00 p.m. that evening. M.R. was allowed to rest and the next morning, July 30, at 7:30 a.m., Pitocin was started again. During this time it was noted she had "reactive" fetal heart tracings. The nurses

<sup>1</sup> Bishop score is a pre labor scoring system to assist in predicting whether induction of labor will be required. A low score indicates that induction is likely to be unsuccessful. The highest score is a 13, the score in this case was a 4.

1 did not place an order for an internal fetal monitor. When fetal heart tones are low, the Pitocin  
2 should be turned off. If the mother keeps having contractions, the baby gets no rest, which is  
3 what likely occurred in this case.

4 E. At 8:18 p.m. she was only dilated 4-5 centimeters. She had spontaneous rupture of  
5 the membranes with thick meconium noticed. At 8:50 p.m., the patient was dilated to 8  
6 centimeters, 0 station.

7 F. There was no mention of a possible C-section in the notes. On July 31, 2009, a female  
8 infant weighing 9 pounds and five ounces was delivered using a vacuum because a shoulder  
9 dystocia was encountered. Unfortunately, the baby was deceased.

10 Allegations of Gross Negligence

11 G. Respondent did not properly manage M.R.'s labor. Respondent failed to estimate the  
12 fetal size, fetal lie (which way the baby is facing) and pelvic adequacy. There should have been a  
13 note if the baby was felt to be too large to deliver vaginally.

14 H. During labor and delivery, Pitocin should have been stopped if the contractions  
15 showed a low fetal heart rate and tachysystole (no rest between contractions).

16 I. This patient was a poor candidate for induction because she had a Bishop score of 4.

17 J. There was no mention of the application of a fetal electrode. This is important  
18 because Respondent did not know if the heart rate was coming from the mother or the baby; thus,  
19 an internal electrode would have been an accurate way to measure the baby's heart rate. Review  
20 of the fetal monitor strips showed back to back contractions and inadequate recordings.

21 K. There were many errors which lead to the untimely demise of this baby. Had there  
22 been an estimate of fetal weight, or an ultrasound performed within 6 weeks of induction of labor,  
23 Respondent would have known the patient was having a big baby and Respondent might have  
24 performed a C-section.

25 L. When the membranes were ruptured with 3 plus meconium, this should have alerted  
26 Respondent that the baby was somehow compromised and action by Respondent was required.

27 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Repeated Negligent Acts)

3 7. Respondent is subject to disciplinary action under section 2234, subdivision (c), in  
4 that his care and treatment of patient M.R. was negligent. The circumstances are as follows:

5 A. Complainant realleges the allegations in paragraphs 6, A-L, as though fully set forth  
6 herein.

7 B. M.R. was a transfer patient but Respondent did not order lab studies or an ultrasound.  
8 The notes did not indicate fetal size, presentation of cervix or maternal pelvic adequacy. She was  
9 a rather small but obese patient.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Medical Board of California issue a decision:

13 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 35471,  
14 issued to King Wong, M.D.;

15 2. Revoking, suspending or denying approval of King Wong, M.D.'s authority to  
16 supervise physician assistants, pursuant to section 3527 of the Code;

17 3. Ordering King Wong, M.D., if placed on probation, to pay the Board the costs of  
18 probation monitoring; and

19 4. Taking such other and further action as deemed necessary and proper.

20  
21  
22 DATED: August 20, 2015

23   
24 KIMBERLY KIRCHMEYER  
25 Executive Director  
26 Medical Board of California  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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